

OCT 17 2005

MYERS BIGEL SIBLEY & SAJOVEC
Patent Attorneys
4140 Parklake Avenue, Suite 600, Raleigh, NC 27612
P.O. Box 37428, Raleigh, NC 27627
Telephone 919-854-1400
Facsimile 919-854-1401

TELECOPIER TRANSMISSION
COVER SHEET

.....
CERTIFICATE OF FACSIMILE TRANSMISSION
UNDER 37 CFR 1.8

I hereby certify that this correspondence is being facsimile transmitted to the Patent and Trademark Office for Commissioner for Patents, P.O. Box 1450, Alexandria, VA 2213-1450 on October 17, 2005 via facsimile number (571) 273-8300.


Signature

Tracy Wallace
Typed or Printed Name of Person Signing Certificate

Attorney Docket No.9310-13DVCTDV

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Middeldorp et al.
Serial No.: 10/036,729
Filed: December 21, 2001
For:
Submittal of:

Cover page (1 page)
Applicant Initiated Interview Request Form (2 pages)

Confidentiality Note

The information contained in this facsimile message is legally privileged and confidential information intended only for the use of the individual or entity named above. If the reader of this message is not the intended recipient, you are hereby prohibited. If you have received this telecopy in error, please immediately notify us by telephone and return the original message to us at the address above via the United States Postal Service. THANK YOU.

OCT 17 2005

Attorney Docket No. 9310.13DVCTDV

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Middeldorp et al.

Application Serial No.: 10/036,729

Filed: December 21, 2001

For:

Date: October 17, 2005

VIA FACSIMILE TRANSMISSION TO 571-273-8300

MAIL STOP AF

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

APPLICANT INITIATED INTERVIEW REQUEST FORM

Sir:

Tentative Participants:

- | | |
|--|--------------------------------------|
| 1. Applicants' representative, Dr. Mary Miller | 2. Examiner Young J. Kim |
| 3. Primary Examiner Kenneth Horlick | 4. Supervisory Examiner Gary Benzion |

Proposed Date of Interview: Preferably November 3, 4, 7, 8 or 9, 2005

Proposed Time: Any time between 10AM and 5PM EST

Type of Interview Requested:

(1) ☒ Telephonic (2) ☐ Personal (3) ☐ Video ConferenceExhibit to be shown or demonstrated ☐ YES ☒ NO

If yes, provide brief description: NA

ISSUES TO BE DISCUSSED

| Issues (Rej., Obj., etc.) | Claims Art Cited | Discussed | Agreed | Not Agreed |
|--|----------------------|--------------------------|--------------------------|--------------------------|
| 1) 112, 1 st ¶ (written description) | 6-9, 25-27, 30-34 | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 2) 112, 1 st ¶ (enablement) | 23, 28 and 29 | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 3) 102(b) (anticipation) | 6, 9, 23 | | | |

Attorney Docket No. 9310.13DVCTDV
In re: Middeldorp et al.
Page 2 of 2

and 25 Ambinder et al. [] [] []

Brief Description of Arguments to be Presented:

1&2) Re written description and enablement rejections, although applicants have attempted in previous responses to define the genus of nucleic acids claimed in accordance with the guidance provided by the Examiner in previous Office Actions, the Examiner continues to interpret the claimed genus in a manner that applicants believe is inconsistent with the claim language and with applicants' arguments and explanations. Applicants would like a discussion and clarification regarding these rejections in order to properly respond.

3) Re anticipation rejection, applicants would like to discuss the distinctions between the cited reference and the claimed invention.

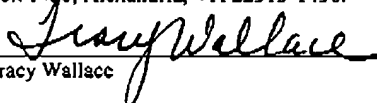
An interview was conducted on the above-identified application on _____.


Applicant/Applicant's Representative Signature

Examiner/SPE Signature

**CERTIFICATION OF FACSIMILE TRANSMISSION
UNDER 37 CFR 1.8**

I hereby certify that this correspondence is being facsimile transmitted to the Patent and Trademark Office via the central facsimile number 571-273-8300 on October 17, 2005, and is addressed to Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.


Tracy Wallace